

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS) No. MD-15-02641-PHX-DGC
PRODUCTS LIABILITY LITIGATION)
)
)
) FIRST AMENDED MASTER SHORT
) FORM COMPLAINT FOR DAMAGES
Civil Action No.: 2-15-cv-02090-PHX-DGC) FOR INDIVIDUAL CLAIMS

Plaintiff(s) named below, for their First Amended Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Myra Edwards

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Wesley Edwards

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Virginia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

1 Virginia

2 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

3 Virginia

4 7. District Court and Division in which venue would be proper absent direct filing:

5 U.S. District Court for the Western District of Virginia

6 8. Defendants (check Defendants against whom Complaint is made):

7 ☒ C.R. Bard Inc.

8 ☒ Bard Peripheral Vascular, Inc.

9 9. Basis of Jurisdiction:

10 ☒ Diversity of Citizenship

11 ☐ Other: _____

12 a. Other allegations of jurisdiction and venue not expressed in Master
13 Complaint:
14 _____
15 _____
16 _____

17 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
18 claim (Check applicable Inferior Vena Cava Filter(s)):

19 ☐ Recovery[®] Vena Cava Filter

20 ☐ G2[®] Vena Cava Filter

21 ☐ G2[®] Express (G2[®] X) Vena Cava Filter

22 ☐ Eclipse[®] Vena Cava Filter

23 ☒ Meridian[®] Vena Cava Filter

24 ☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implementation as to each product:

6/8/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence – Design
- ☒ Count V: Negligence – Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Massachusetts Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

BARON & BUDD, P.C.

Attorneys for Plaintiff

I hereby certify that on this 11th day of February, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Laura Baughman
Laura J. Baughman